

sometimes negative, about things that he and I are doing, which is why I thought having a colloquy at the end of the week might be helpful.

With regard to the schedule, with regard to our intentions, let me be clear. It is my hope, based on the cooperative spirit that we both have attempted to articulate this afternoon, that we can get a lot done.

I have indicated to the President this week that it is my hope we can clear the calendar of all of the noncontroversial nominations, both judicial as well as executive appointments. That is what we will continue to try to chip away at. I don't see any reason why, at the end of the week, all noncontroversial nominations could not have been successfully addressed. We will do that.

I appreciate very much Senator LOTT's willingness to come to the floor to restate our intentions to try to achieve this ambitious agenda.

### THE CALENDAR

Mr. DASCHLE. Mr. President, I have a number of matters to address prior to the time we adjourn for the day.

All of these matters have been reviewed by the distinguished Republican leader. He is here, and he is now in a position to express himself if he has any additional comments. But I will begin.

### UNANIMOUS CONSENT AGREEMENT—THE EXECUTIVE CALENDAR

Mr. REID. Mr. President, as if in executive session, I ask unanimous consent that on Monday, July 29, immediately following the disposition of the nomination of Executive Calendar No. 810, the nomination of Julia Smith Gibbons, the Senate remain in executive session to consider the following nominations; that there be 2 minutes of debate equally divided and controlled in the usual form between the votes; that the votes following the first be 10 minutes in duration; that the Senate proceed to vote on confirmation of the nominations; that the President be immediately notified of the Senate's action; and that the Senate resume legislative session without further intervening action or debate: Executive Calendar No. 827, the nomination of Joy Flowers Conti, of Pennsylvania, to be U.S. District Judge for the Western District of Pennsylvania; Executive Calendar No. 828, John E. Jones, III, of Pennsylvania to be U.S. District Judge for the Middle District of Pennsylvania.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

### JOHN F. KENNEDY CENTER PLAZA AUTHORIZATION ACT OF 2002

Mr. DASCHLE. Mr. President, I now ask unanimous consent that the Sen-

ate proceed to the immediate consideration of Calendar No. 524, S. 2771.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2771) to amend the John F. Kennedy Center Plaza Authorization Act of 2002 to authorize the Secretary of Transportation to carry out a project for construction of a plaza adjacent to the John F. Kennedy Center for the Performing Arts, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2771) was read the third time and passed, as follows:

S. 2771

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "John F. Kennedy Center Plaza Authorization Act of 2002".

#### SEC. 2. JOHN F. KENNEDY CENTER PLAZA.

The John F. Kennedy Center Act (20 U.S.C. 76h et seq.) is amended—

(1) by redesignating sections 12 and 13 as sections 13 and 14, respectively; and

(2) by inserting after section 11 the following:

##### "SEC. 12. JOHN F. KENNEDY CENTER PLAZA.

"(a) DEFINITIONS.—In this section:

"(1) AIR RIGHT.—The term 'air right' means a real property interest conveyed by deed, lease, or permit for the use of space between streets and alleys within the boundaries of the Project.

"(2) CENTER.—The term 'Center' means the John F. Kennedy Center for the Performing Arts.

"(3) GREEN SPACE.—The term 'green space' means an area within the boundaries of the Project or affected by the Project that is covered by grass, trees, or other vegetation.

"(4) PLAZA.—The term 'Plaza' means improvements to the area surrounding the John F. Kennedy Center building that are—

"(A) carried out under the Project; and

"(B) comprised of—

"(i) transportation elements (including roadways, sidewalks, and bicycle lanes); and

"(ii) nontransportation elements (including landscaping, green space, open public space, and water, sewer, and utility connections).

"(5) PROJECT.—

"(A) IN GENERAL.—The term 'Project' means the Plaza project, as described in the TEA-21 report, providing for—

"(i) construction of the Plaza; and

"(ii) improved bicycle, pedestrian, and vehicular access to and around the Center.

"(B) INCLUSIONS.—The term 'Project'—

"(i) includes—

"(I) planning, design, engineering, and construction of the Plaza;

"(II) buildings to be constructed on the Plaza; and

"(III) related transportation improvements; and

"(ii) may include any other element of the Project identified in the TEA-21 report.

"(6) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

"(7) TEA-21 REPORT.—The term 'TEA-21 report' means the report of the Secretary submitted to Congress under section 1214 of the Transportation Equity Act for the 21st Century (20 U.S.C. 76j note; 112 Stat. 204).

"(b) RESPONSIBILITIES OF THE SECRETARY.—

"(1) IN GENERAL.—The Secretary shall be responsible for the Project and may carry out such activities as are necessary to construct the Project, other than buildings to be constructed on the Plaza, substantially as described in the TEA-21 report.

"(2) PLANNING, DESIGN, ENGINEERING, AND CONSTRUCTION.—The Secretary shall be responsible for the planning, design, engineering, and construction of the Project, other than buildings to be constructed on the Plaza.

"(3) AGREEMENTS WITH THE BOARD AND OTHER AGENCIES.—The Secretary shall enter into memoranda of agreement with the Board and any appropriate Federal or other governmental agency to facilitate the planning, design, engineering, and construction of the Project.

"(4) CONSULTATION WITH THE BOARD.—The Secretary shall consult with the Board to maximize efficiencies in planning and executing the Project, including the construction of any buildings on the Plaza.

"(5) CONTRACTS.—Subject to the approval of the Board, the Secretary may enter into contracts on behalf of the Center relating to the planning, design, engineering, and construction of the Project.

"(c) RESPONSIBILITIES OF THE BOARD.—

"(1) IN GENERAL.—The Board may carry out such activities as are necessary to construct buildings on the Plaza for the Project.

"(2) RECEIPT OF TRANSFERS OF AIR RIGHTS.—The Board may receive from the District of Columbia such transfers of air rights as are necessary for the planning, design, engineering, and construction of the Project.

"(3) CONSTRUCTION OF BUILDINGS.—The Board—

"(A) may construct, with nonappropriated funds, buildings on the Plaza for the Project; and

"(B) shall be responsible for the planning, design, engineering, and construction of the buildings.

"(4) ACKNOWLEDGMENT OF CONTRIBUTIONS.—

"(A) IN GENERAL.—The Board may acknowledge private contributions used in the construction of buildings on the Plaza for the Project in the interior of the buildings, but may not acknowledge private contributions on the exterior of the buildings.

"(B) APPLICABILITY OF OTHER REQUIREMENTS.—Any acknowledgement of private contributions under this paragraph shall be consistent with the requirements of section 4(b).

"(d) RESPONSIBILITIES OF THE DISTRICT OF COLUMBIA.—

"(1) MODIFICATION OF HIGHWAY SYSTEM.—Notwithstanding any State or local law, the Mayor of the District of Columbia, in consultation with the National Capital Planning Commission and the Secretary, shall have exclusive authority, as necessary to meet the requirements and needs of the Project, to amend or modify the permanent system of highways of the District of Columbia.

"(2) CONVEYANCES.—

"(A) AUTHORITY.—Notwithstanding any State or local law, the Mayor of the District of Columbia shall have exclusive authority, as necessary to meet the requirements and needs of the Project, to convey or dispose of any interests in real estate (including air rights and air space (as that term is defined by District of Columbia law)) owned or controlled by the District of Columbia.

“(B) CONVEYANCE TO THE BOARD.—Not later than 90 days after the date of receipt of notification from the Secretary of the requirements and needs of the Project, the Mayor of the District of Columbia shall convey or dispose of to the Board, without compensation, interests in real estate described in subparagraph (A).”

“(3) AGREEMENTS WITH THE BOARD.—The Mayor of the District of Columbia shall have the authority to enter into memoranda of agreement with the Board and any Federal or other governmental agency to facilitate the planning, design, engineering, and construction of the Project.

“(e) OWNERSHIP.—

“(1) ROADWAYS AND SIDEWALKS.—Upon completion of the Project, responsibility for maintenance and oversight of roadways and sidewalks modified or improved for the Project shall remain with the owner of the affected roadways and sidewalks.

“(2) MAINTENANCE OF GREEN SPACES.—Subject to paragraph (3), upon completion of the Project, responsibility for maintenance and oversight of any green spaces modified or improved for the Project shall remain with the owner of the affected green spaces.

“(3) BUILDINGS AND GREEN SPACES ON THE PLAZA.—Upon completion of the Project, the Board shall own, operate, and maintain the buildings and green spaces established on the Plaza for the Project.

“(f) NATIONAL HIGHWAY BOUNDARIES.—

“(1) REALIGNMENT OF BOUNDARIES.—The Secretary may realign national highways related to proposed changes to the North and South Interchanges and the E Street approach recommended in the TEA-21 report in order to facilitate the flow of traffic in the vicinity of the Center.

“(2) ACCESS TO CENTER FROM I-66.—The Secretary may improve direct access and egress between Interstate Route 66 and the Center, including the garages of the Center.”

### SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 13 of the John F. Kennedy Center Act (as redesignated by section 2) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

“(c) JOHN F. KENNEDY CENTER PLAZA.—There is authorized to be appropriated to the Secretary of Transportation for capital costs incurred in the planning, design, engineering, and construction of the project authorized by section 12 (including roadway improvements related to the North and South Interchanges and construction of the John F. Kennedy Center Plaza, but not including construction of any buildings on the plaza) \$400,000,000 for the period of fiscal years 2003 through 2010, to remain available until expended.”

### SEC. 4. CONFORMING AMENDMENTS.

(a) SELECTION OF CONTRACTORS.—Section 4(a)(2) of the John F. Kennedy Center Act (20 U.S.C. 76j(a)(2)) is amended by striking subparagraph (D) and inserting the following:

“(D) SELECTION OF CONTRACTORS.—In carrying out the duties of the Board under this Act, the Board may—

“(i) negotiate, with selected contractors, any contract—

“(I) for planning, design, engineering, or construction of buildings to be erected on the John F. Kennedy Center Plaza under section 12 and for landscaping and other improvements to the Plaza; or

“(II) for an environmental system for, a protection system for, or a repair to, maintenance of, or restoration of the John F. Kennedy Center for the Performing Arts; and

“(ii) award the contract on the basis of contractor qualifications as well as price.”

(b) ADMINISTRATION.—Section 6(d) of the John F. Kennedy Center Act (20 U.S.C. 76l(d)) is amended in the first sentence by striking “section 12” and inserting “section 14”.

(c) DEFINITIONS.—Section 14 of the John F. Kennedy Center Act (as redesignated by section 2) is amended by adding at the end the following: “Upon completion of the project for establishment of the John F. Kennedy Center Plaza authorized by section 12, the Board, in consultation with the Secretary of Transportation, shall amend the map that is on file and available for public inspection under the preceding sentence.”

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 852, 868, 869, 870, 871, 872, 873, 874, 875, 877, 878, 879, 880, 881, 882, and 883; that the nominations be confirmed, the motions to reconsider be laid upon the table; that any statements relating thereto be printed in the Record; that the President be immediately notified of the Senate's action; and that the Senate then return to legislative session, with the preceding all occurring without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed, as follows:

#### DEPARTMENT OF ENERGY

Guy F. Caruso, of Virginia, to be Administrator of the Energy Information Administration.

#### DEPARTMENT OF JUSTICE

Gregory Robert Miller, of Florida, to be United States Attorney for the Northern District of Florida for the term of four years.

Kevin Vincent Ryan, of California, to be United States Attorney for the Northern District of California, for the term of four years.

Randall Dean Anderson, of Utah, to be United States Marshall for the District of Utah for the term of four years. (Reappointment)

Ray Elmer Carnahan, of Arkansas, to be United States Marshall for the Eastern District of Arkansas for the term of four years.

David Scott Carpenter, of North Dakota, to be United States Marshall for the District of North Dakota for the term of four years.

Theresa A. Merrow, of Georgia, to be United States Marshall for the Middle District of Georgia for the term of four years.

Ruben Monzon, of Texas, to be United States Marshall for the Southern District of Texas for the term of four years.

James Michael Wahlrab, of Ohio, to be United States Marshall for the Southern District of Ohio for the term of four years.

#### DEPARTMENT OF LABOR

Kathleen P. Utgoff, of Virginia, to be Commissioner of Labor Statistics, United States Department of Labor for a term of four years.

W. Roy Grizzard, of Virginia, to be an Assistant Secretary of Labor.

#### NATIONAL COUNCIL ON DISABILITY

Lex Frieden, of Texas, to be a Member of the National Council On Disability for a term expiring September 17, 2004.

Young Woo Kang, of Indiana, to be a Member of the National Council On Disability for a term expiring September 17, 2003.

Kathleen Martinez, of California, to be a Member of the National Council On Disability for a term expiring September 17, 2003.

Carol Hughes Novak, of Georgia, to be a Member of the National Council On Disability for a term expiring September 17, 2004.

Patricia Pound, of Texas, to be a Member of the National Council On Disability for a term expiring September 17, 2002.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

### ORDERS FOR MONDAY, JULY 29, 2002

Mr. DASCHLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 4 p.m. on Monday, July 29; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business until 5:30 p.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided between the two leaders or their designees; and that at 5:30 p.m. the Senate proceed to executive session under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. DASCHLE. Mr. President, the next rollcall vote will occur at approximately 5:30 p.m. on Monday, July 29, on the confirmation of Julia S. Gibbons to be U.S. Circuit Judge for the Sixth Circuit.

### ADJOURNMENT UNTIL 4 P.M. MONDAY, JULY 29, 2002

Mr. DASCHLE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 3:54 p.m., adjourned until Monday, July 29, 2002, at 4 p.m.

## NOMINATIONS

Executive nominations received by the Senate July 26, 2002:

#### DEPARTMENT OF DEFENSE

OTIS WEBB BRAWLEY, JR., OF GEORGIA, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING JUNE 20, 2003, VICE WILLIAM D. SKELTON, TERM EXPIRED.

#### DEPARTMENT OF TRANSPORTATION

MARION C. BLAKEY, OF MISSISSIPPI, TO BE ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION FOR THE TERM OF FIVE YEARS, VICE JANE GARVEY, TERM EXPIRING.

#### UNITED STATES POSTAL SERVICE

JAMES C. MILLER III, OF VIRGINIA, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR THE